

SOAH DOCKET NO. 582-16-1820
TCEQ DOCKET NO. 2015-1221-PST-E

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|---------------------------------------|---|--------------------------------|
| EXECUTIVE DIRECTOR OF THE | § | BEFORE THE STATE OFFICE |
| TEXAS COMMISSION ON | § | |
| ENVIRONMENTAL QUALITY; | § | |
| Petitioner, | § | |
| | § | |
| VS. | § | OF |
| | § | |
| JOE’S & CHO, INC. DBA JOES | § | |
| FUTURE FOOD MART, | § | |
| Respondent. | § | ADMINISTRATIVE HEARINGS |

RESPONDENT’S UNOPPOSED MOTION FOR CONTINUANCE

TO THE HONORABLE JUDGE:

COMES NOW Respondent, Joe’s & Cho, Inc. d/b/a Joes Future Food Mart, and asks the Court to continue the Hearing on the Merits because additional time is needed to gather the financial data for the corporation.

I. INTRODUCTION

1. This action is an enforcement matter brought against Respondent for certain alleged violations of the Texas Water Code and the Texas Commission on Environmental Quality (“TCEQ”) Rules.

II. BACKGROUND

2. A hearing is currently set on July 19, 2016 for a trial on the merits.
3. Respondent has applied for Financial Inability to Pay, but needs additional time to obtain all of the requested financial documents and data.
4. This is Respondent’s first motion for continuance, and counsel has conferred with the attorney for Petitioner who states that he is unopposed to this motion.

III. ARGUMENT AND AUTHORITIES

5. Respondent denies that it has the financial ability to pay the penalty proposed by the TCEQ and it will provide the agency with the financial records for the past three years. Respondent needs additional time to gather the requested information.

6. Respondent is not seeking a continuance for purposes of delay, but so that justice may be done.

IV. CONCLUSION

7. Respondent, Joe's & Cho, Inc. d/b/a Joes Future Food Mart requests a continuance from the current hearing date in order to gather and provide the proper documents to the TCEQ. The parties hereby request that this matter be reset for hearing on August 10, 11, or 12, 2016.

PRAYER

WHEREFORE PREMISES CONSIDERED, Respondent, Joe's & Cho, Inc. d/b/a Joes Future Food Mart, respectfully request the Court grant this first Unopposed Motion for Continuance, continuing the trial until August 10, 11, or 12, 2016.

Respectfully submitted,

GRISSOM & THOMPSON



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VERIFICATION

STATE OF TEXAS


§

COUNTY OF TRAVIS

§

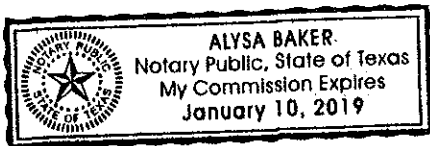
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BEFORE ME, the undersigned authority, on this day personally appeared William W. Thompson, III, known to me to be the person whose name is subscribed to the foregoing instrument, who, after being duly sworn and deposed, says that the above and foregoing statements in this Motion for Continuance are true and correct.



William W. Thompson, III

SUBSCRIBED AND SWORN TO BEFORE ME on this 5 day of July 2016, to certify which witness my hand and seal of office.

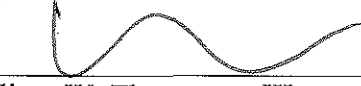




Notary Public, State of Texas

CERTIFICATE OF SERVICE

This is to certify that a true and correct copy of the foregoing document has been either hand-delivered, sent by U.S. Mail, Certified Mail, Return Receipt Requested, and/or Facsimile Transmission to the following service list on this 5 day of July 2016.



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| Petitioner, | | |
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| JOE’S & CHO, INC. DBA JOES FUTURE FOOD MART, | | |
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ORDER ON RESPONDENT’S UNOPPOSED MOTION FOR CONTINUANCE

ON THIS DAY came on to be heard Respondent, Joe’s & Cho, Inc. d/b/a Joes Future Food Mart’s, first Unopposed Motion for Continuance in the above entitled and numbered action. After considering the motion and the evidence, and hearing the arguments of counsel, the Court is of the opinion that good cause exists and that the motion should be granted.

IT IS THEREFORE ORDERED that this Motion for Continuance be GRANTED, and that the hearing be reset for the _____ day of _____ 2016.

JUDGE PRESIDING

SIGNED THIS _____ day of _____, 2016.